

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:22-CV-420

BRANTLEY TURNER, )  
 )  
 Plaintiff, )  
 )  
 v. ) ORDER  
 )  
 MAISON DE LUXE, LLC, )  
 )  
 Defendant. )

On November 2, 2022, plaintiff moved to remand this action to Cumberland County Superior Court pursuant to 28 U.S.C. § 1447(c) [D.E. 11] and filed a memorandum in support [D.E. 10]. Plaintiff contends that defendant's notice of removal based on diversity of citizenship was untimely. See [D.E. 10] 3–12. Defendant opposes the motion See [D.E. 15].

The court has reviewed the record, the briefs, and the governing law. The court finds that it was apparent from the face of complaint filed in Cumberland County Superior Court on May 31, 2022, that the amount in controversy exceeded \$75,000.00. See [D.E. 10] 5. Moreover, because defendant did not file its notice of removal until October 18, 2022, the notice was untimely. See *id.* at 12; Padgett Props., LLLP v. Nautilus Ins. Co., 7:22-CV-89, 2022 WL 17547469, at \*1–3 (E.D.N.C. Dec. 9, 2022) (unpublished).

In sum, the court GRANTS plaintiff's motion to remand [D.E. 11] and REMANDS the action to Cumberland County Superior Court. The court DENIES plaintiff's request for reasonable attorney's fees and costs.

SO ORDERED. This 12 day of December, 2022.

J.C. Dever  
JAMES C. DEVER III  
United States District Judge